

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**Motion to File Under Seal Granted  
July 24, 2018 [Dkt. 431]**

**DECLARATION OF FELICIA H. ELLSWORTH IN SUPPORT OF DEFENDANT'S  
OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Felicia H. Ellsworth, hereby state under oath:

1. I am a member in good standing of the bar of the Commonwealth of Massachusetts and this Court, and am a partner at Wilmer Cutler Pickering Hale and Dorr LLP. I am one of the counsel representing Defendant President and Fellows of Harvard College (Harvard Corporation) ("Harvard") in the above-captioned matter. I submit this declaration in support of Harvard's Opposition to Plaintiff's Motion for Summary Judgment.

2. Attached hereto as Exhibit 98 is a true and accurate copy of excerpts of the June 18, 2015 deposition of Marlyn McGrath.

3. Attached hereto as Exhibit 99 is a true and accurate copy of excerpts of the March 6, 2017 deposition of Caroline Weaver.

4. Attached hereto as Exhibit 100 is a true and accurate copy of excerpts of the March 10, 2017 deposition of Drew Faust.

5. Attached hereto as Exhibit 101 is a true and accurate copy of excerpts of the March 24, 2017 deposition of Elizabeth Yong.

6. Attached hereto as Exhibit 102 is a true and accurate copy of excerpts of the April 7, 2017 deposition of Grace Cheng.

7. Attached hereto as Exhibit 103 is a true and accurate copy of excerpts of the April 11, 2017 deposition of Michael Smith.

8. Attached hereto as Exhibit 104 is a true and accurate copy of excerpts of the April 27, 2017 deposition of Rakesh Khurana.

9. Attached hereto as Exhibit 105 is a true and accurate copy of excerpts of the May 4, 2017 deposition of Roger Banks.

10. Attached hereto as Exhibit 106 is a true and accurate copy of excerpts of the May 9, 2017 deposition of Abigail Fisher.

11. Attached hereto as Exhibit 107 is a true and accurate copy of excerpts of the May 10, 2017 deposition of Richard Fisher.

12. Attached hereto as Exhibit 108 is a true and accurate copy of excerpts of the May 16, 2017 deposition of [REDACTED].

13. Attached hereto as Exhibit 109 is a true and accurate copy of excerpts of the June 6, 2017 deposition of Sarah Donahue.

14. Attached hereto as Exhibit 110 is a true and accurate copy of excerpts of the June 7, 2017 deposition of Tia Ray.

15. Attached hereto as Exhibit 111 is a true and accurate copy of excerpts of the June 14, 2017 deposition of Lucerito Ortiz.

16. Attached hereto as Exhibit 112 is a true and accurate copy of excerpts of the June 20, 2017 deposition of Kaitlin Howrigan.

17. Attached hereto as Exhibit 113 is a true and accurate copy of excerpts of the June 28, 2017 deposition of Brock Walsh.

18. Attached hereto as Exhibit 114 is a true and accurate copy of excerpts of the June 30, 2017 deposition of Chris Looby.

19. Attached hereto as Exhibit 115 is a true and accurate copy of excerpts of the July 13, 2017 deposition of Erica Bever.

20. Attached hereto as Exhibit 116 is a true and accurate copy of excerpts of the July 19, 2017 deposition of Mark Hansen.

21. Attached hereto as Exhibit 117 is a true and accurate copy of excerpts of the July 27, 2017 deposition of Andrew Michael Contompasis.

22. Attached hereto as Exhibit 118 is a true and accurate copy of excerpts of the July 27, 2017 deposition of Erin Driver-Linn.

23. Attached hereto as Exhibit 119 is a true and accurate copy of excerpts of the August 1, 2017 deposition of Marlyn McGrath.

24. Attached hereto as Exhibit 120 is a true and accurate copy of excerpts of the August 3, 2017 deposition of William Fitzsimmons.

25. Attached hereto as Exhibit 121 is a true and accurate copy of excerpts of the April 11, 2018 deposition of Ruth Simmons.

26. Attached hereto as Exhibit 122 is a true and accurate copy of excerpts of the April 12, 2018 deposition of Peter Arcidiacono.

27. Attached hereto as Exhibit 123 is a true and accurate copy of excerpts of the April 23, 2018 deposition of Michael Smith.

28. Attached hereto as Exhibit 124 is a true and accurate copy of excerpts of the April 27, 2018 deposition of David Card.

29. Attached hereto as Exhibit 125 is a true and accurate copy of excerpts of a document entitled New Staff Training Schedule, HARV00000461.

30. Attached hereto as Exhibit 126 is a true and accurate copy of a document entitled Six Year Graduate Rate by Ethnicity and Four Year Graduate Rate by Ethnicity, HARV00003906.

31. Attached hereto as Exhibit 127 is a true and accurate copy of excerpts of a document entitled Selected Topics in Casework and Diversity, Asian American and Black Populations: Implications for Admissions, HARV00013367-HARV00013419.

32. Attached hereto as Exhibit 128 is a true and accurate copy of excerpts of a document entitled Select Topics in Casework and Diversity, HARV00025279-HARV00025352.

33. Attached hereto as Exhibit 129 is a true and accurate copy of a document entitled Lop/Unlop List, E Docket 2013, HARV00066298.

34. Attached hereto as Exhibit 130 is a true and accurate copy of excerpts of a Harvard Application File, HARV00071702-HARV00071703.

35. Attached hereto as Exhibit 131 is a true and accurate copy of excerpts of a Harvard Application File, HARV00072189, HARV00072191.

36. Attached hereto as Exhibit 132 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00076213-HARV00076215.

37. Attached hereto as Exhibit 133 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00076387-HARV00076388.
38. Attached hereto as Exhibit 134 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00076417-HARV00076419.
39. Attached hereto as Exhibit 135 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00076611-HARV00076614.
40. Attached hereto as Exhibit 136 is a true and accurate copy of excerpts of a Harvard Application File Summary Sheet, HARV00076759-HARV00076762.
41. Attached hereto as Exhibit 137 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00076920-HARV00076921.
42. Attached hereto as Exhibit 138 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00077154-HARV00077156.
43. Attached hereto as Exhibit 139 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00077226-HARV00077227.
44. Attached hereto as Exhibit 140 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00077334.
45. Attached hereto as Exhibit 141 is a true and accurate copy of a Harvard Application File Summary Sheet, HARV00077372-HARV00077374.
46. Attached hereto as Exhibit 142 is a true and accurate copy of excerpts of a Harvard Application File, HARV00078677-HARV00078677.
47. Attached hereto as Exhibit 143 is a true and accurate copy of excerpts of a Harvard Application File, HARV00087014-HARV00087015.

48. Attached hereto as Exhibit 144 is a true and accurate copy of a document entitled Draft April 2018, Report of the Committee to Study Race-Neutral Alternatives, dated April 2018, HARV00097241-HARV00097258.

49. Attached hereto as Exhibit 145 is a true and accurate copy of a memorandum entitled Committee to Study Race-Neutral Alternatives, dated April 3, 2018, HARV00097285-HARV00097303.

50. Attached hereto as Exhibit 146 is a true and accurate copy of a memorandum entitled Committee to Study Race-Neutral Alternatives, dated October 20, 2017, HARV00097304-HARV00097306.

51. Attached hereto as Exhibit 147 is a true and accurate copy of an article entitled John S. Rosenberg, *President Bacow's First-Day Message*, Harvard Magazine (July 2, 2018), <https://harvardmagazine.com/2018/07/harvard-president-bacow-welcome-message>.

52. Attached hereto as Exhibit 148 is a true and accurate copy of a webpage entitled *Schools*, Harvard University, <https://www.harvard.edu/schools> (last visited July 26, 2018).

53. Attached hereto as Exhibit 149 is a true and accurate copy of the Declaration of Robin Worth, dated July 25, 2018.

54. Attached hereto as Exhibit 150 is a true and accurate copy of the Declaration of Erin Driver-Linn, dated July 26, 2018.

55. Attached hereto as Exhibit 151 is a true and accurate copy of the Declaration of David Card, Ph.D., dated July 26, 2018.

56. Attached hereto as Exhibit 152 is a true and accurate copy of a document entitled Brief of Harvard Univ. et al., *Grutter v. Bollinger*, No. 02-241, February 2003, HARV00066521-HARV00066558.

57. Attached hereto as Exhibit 153 is a true and accurate copy of a document entitled Brief of Brown Univ. et al., *Fisher v. Univ. of Texas at Austin*, No. 11-345, August 2012, HARV00018900-HARV00018938.

58. Attached hereto as Exhibit 154 is a true and accurate copy of a document entitled Brief of Harvard Univ., *Fisher v. Univ. of Texas at Austin*, No. 14-981, November 2015, HARV00066599-HARV00066631.

59. Attached hereto as Exhibit 155 is a compilation of true and accurate copies of agendas for the Committee to Study Race-Neutral Alternatives.

60. Attached hereto as Exhibit 156 is a true and accurate copy of excerpts of a document entitled Harvard College Projects from the Office of Institutional Research, dated May 30, 2014, HARV00077592-HARV00077607.

61. Attached hereto as Exhibit 157 is a true and accurate copy of an article entitled *New Griffin Director of Financial Aid*, The Harvard Gazette (July 3, 2018), <https://news.harvard.edu/gazette/story/2018/07/jake-kaufman-appointed-new-griffin-director-of-financial-aid/>.

62. Attached hereto as Exhibit 158 is a true and accurate copy of an email with attachments from Marlyn McGrath to Elizabeth Yong, with subject line “Re: stats for monday,” dated March 2014, HARV00016806-HARV00016809.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, July 27, 2018.

/s/ Felicia H. Ellsworth

Felicia H. Ellsworth (BBO #665232)

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*Counsel for Defendant President and  
Fellows of Harvard College*



**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and the sealed version of this document will be served on counsel for SFFA by email.

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth